

## REMARKS

This application has been reviewed in light of the Office Action dated June 30, 2005. Claims 22-29 and 34-37 are presented for examination, of which Claims 22, 23, 25, and 26 are in independent form. Claims 24 and 27-29 have been amended to define still more clearly what Applicants regard as their invention. Claims 30-33 have been canceled without prejudice or disclaimer of subject matter. Claims 34-37 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

Claims 22-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,537 (Squilla).

The aspect of the present invention set forth in Claim 22 is an image capture apparatus that communicates with an external recording apparatus using a wireless communication unit. The image capture apparatus includes an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. The image capture apparatus also includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus. The control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is

judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus.

Among other notable features of Claim 22 are that the image capture apparatus, which communicates with an external recording apparatus, includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus.

Squilla relates to a photographic system, including a camera, that is capable of interactive data communication with sources of digital data associated with one or more scenes. The Squilla system includes a processing center arranged to process images photographed by a camera and perform extra services such as alburning (column 9, lines 23-28). The processing center is also arranged to download information associated with the images via a telecommunication link. If the processing center is an image server center, there is no need for a telecommunication link since the information is on site (column 9, lines 28-33).

The Office Action cites column 6, lines 20-50, as disclosing the control unit feature of Claim 22. Applicants disagree. The cited passage merely discusses, among other things, that the image server (which is separate from the camera) may receive image captured digital images via a wireless link from a user's digital camera and combine these images with the requested content from content databases. However, Applicants submit that nothing has been found in Squilla that would teach or suggest an image capture apparatus, which communicates with an external recording apparatus, including a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus, as recited in Claim 22. Indeed, in Squilla, only the user judges whether an image is recorded in an image server.

Accordingly, Applicants submit that Claim 22 is allowable over Squilla.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 22.

Independent Claim 25 is a method claim corresponding to apparatus Claim 22, and is believed to be patentable over the cited art for at least the same reasons as

discussed above in connection with Claim 22.

The aspect of the present invention set forth in Claim 23 is an image capture apparatus that communicates with an external recording apparatus using a wireless communication unit. The image capture apparatus includes an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. The image capture apparatus also includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and deletes the digital image recorded on the recording medium from the recording medium if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus.

For substantially the same reasons as discussed above with respect to Claim 22, Applicants submit that nothing has been found in Squilla that would teach or suggest an image capture apparatus, communicating with an external recording apparatus, including a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and deletes

the digital image recorded on the recording medium from the recording medium if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus, as recited in Claim 23.

For at least the above reason, Applicants submit that Claim 23 is clearly patentable over Squilla.

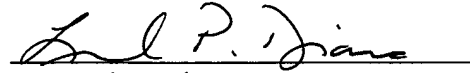
Independent Claim 26 is a method claim corresponding to apparatus Claim 23, and is believed to be patentable over Squilla for at least the same reasons as discussed above in connection with Claim 23.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable continued examination and early passage to issue of the present application. Also, if the Examiner believes it would further prosecution of this application, Applicant requests that a telephone interview be scheduled to discuss the rejections of the claims.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leonard P. Diana", is written over a horizontal line.

Leonard P. Diana

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